

**TOWN OF ELSMERE  
PLANNING COMMISSION  
MEETING MINUTES  
September 3, 2013  
6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

Chairman Lindell – Present  
Commissioner Hurst – Present  
Commissioner Anderson – Present  
Commissioner Swain – Present  
Commissioner Skipski – Present  
Commissioner Favreau – Present  
Commissioner Backer – Present

**APPROVAL OF MINUTES:**

Approval of the Minutes from the August 6, 2013 Planning Commission Meeting

**ACTION:** Commissioner Backer made a motion to approve the Minutes from the August 6, 2013 Planning Commission Meeting. The motion was seconded by Commissioner Favreau.

**VOTE:** 6 in favor with 1 Abstained Motion carried

Lindell – Yes, Backer – Yes, Swain – Abstain, Anderson – Yes, Skipski – Yes,  
Hurst – Yes, Favreau - Yes

(Commissioner Swain Abstained due to being absent for the August 6, 2013 Planning Commission Meeting)

## **NEW BUSINESS:**

### Review Petition 13-08 Tax Parcel # 1900-400-776

Terence McAveney introduced himself as the resident of 98 Maple Ave., and stated he was requesting a variance to install a pervious driveway at the property.

Chairman Lindell asked Mr. McAveney to describe the pervious material he was proposing to use.

Mr. McAveney presented "Exhibit 13-08 I", which described pervious surfaces, and included the same pavers he was proposing to use for the 6'x 16' driveway extension.

Chairman Lindell asked who would be installing the material.

Mr. McAveney stated he would be and that EP Henry was the manufacturer of the pavers. He then said the main purpose of the extension is because they share the driveway with the neighboring property at 96 Maple Ave.

Chairman Lindell asked if he'd been sharing the driveway with them for 31 years.

Mr. McAveney said he had been and that he owns both properties so it was never a problem. He went on to say that if he ever sold the property, they would have no parking on the lot itself.

Commissioner Swain asked if the driveway was actually a "common driveway" or they use it because they own 98 Maple Ave.

Mr. McAveney said it's half on 96 Maple Avenue's lot and the other half is on 98 Maple Avenue's lot, so it's shared.

Commissioner Backer asked what the hardship was seeing as Mr. McAveney currently had parking as well 96 Maple Ave.

Mr. McAveney said the hardship would come into play if he decided to sell one of the properties, stating that 98 Maple Ave. would no longer have any parking except the street parking.

Commissioner Backer stated Mr. McAveney could possibly get the property subdivided before he decided to sell in order to ensure both properties had sufficient space for individual driveways.

Mr. McAveney said that would be a possibility.

Mr. McAveney said the brick pavers would have a border to retain them, and that the gravel and pavers themselves would have no buoyancy that may cause any kind of floatation.

Mr. McAveney stated they were not, but they're installed with a gap between them that gets filled with crushed stone that would allow the water to flow through.

Mr. McAveney said it would be just the pavers with the gravel in between them which would allow the water to flow through them and slowly disperse into the soil.

Mr. McAveney stated it would be 12 inches of crushed stone.

Town Manager, John Giles, stated that every brick Mr. McAveney places on the lot is adding to the level of non-conformity. He also stated that living somewhere 31 years and wanting to extend a driveway because you may want to sell the property is not a hardship in his opinion, and for those two reasons, the Commissioners should recommend denial of the petition to the Board of Adjustment.

**VOTE:** 5 in favor and 2 opposed Motion carried

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## OLD BUSINESS:

### Review of the Comprehensive Plan

Chairman Lindell stated Town Manager, John Giles, Code Officer, Brian Swift, and himself would be meeting again in September to review the Code. He then said they have submitted their position on the recommendations to the State. Chairman Lindell then discussed the Planner's Web Website with the other Commissioners and asked them to scan through the site and bring up any questions they may have at the following meetings.

Town Manager Giles and the Commission then had a discussion on proper procedures for making motions at meetings. Mr. Giles also went into what the definition of a "hardship" is and urged the members of the Commission to look into it to get a better idea for themselves.

## ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

## PUBLIC COMMENT:

None

## ADJOURNMENT:

**ACTION:** A motion was made by Commissioner Backer to adjourn. Commissioner Swain seconded the motion.

**VOTE:** All in favor                      Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the September 3, 2013 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**CHARLES LINDELL, CHAIRMAN**

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**LEON BACKER, SECRETARY**